

REMARKS

Applicants wish to thank the Examiner for considering the present application. The following is in response to the Office Action dated January 13, 2006, wherein claims 1-160 are pending in the application. Claims 36-160 have been withdrawn from consideration. Claims 1-10, 14-16, 21-29, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (6,757,595) in view of Suzuki et al. (6,535,114). Claims 21-29 and 33-35 are rejected for the same rationales set forth for claims 1-10 and 14-16. Claims 11-13 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer and Suzuki et al. as applied to the claims above, and further in view of Griessbach (6,169,946). Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer and Suzuki et al. as applied to the claims above, and further in view of Ishikawa et al. (6,292,111). Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer and Suzuki et al. as applied to the claims above, and further in view of Nishikawa (5,913,375). Applicants respectfully traverse.

Claim 1 is rejected because, according to the Office Action, Bauer discloses a stability control system for an automotive vehicle, which includes a rollover control system and a controller for generating a dynamic vehicle characteristic in response to the roll parameter. Allegedly, Bauer suggests the roll parameter is typically estimated from available sensors as is known in the art. The Office Action recognizes Bauer does not disclose a camera based vision system for generating a roll angle. However, according to the Office Action, Suzuki suggests a system and method for optically monitoring the environment of a moving vehicle which includes a camera for generating a roll parameter for use in controlling the engine, brake, transmission, steering, etc.

The Applicants submit that claim 1 is new and non-obvious because the claim and the prior art differ. Claim 1 includes a controller generating a dynamic vehicle characteristic signal in response to camera image signals and controlling the rollover control system in response to the dynamic vehicle characteristic signal. In contrast, Bauer describes a typical system limiting a rollover *propensity* in an automotive vehicle. More importantly, Bauer does not disclose or suggest a system controlling the vehicle during a rollover situation or a rollover controller, as does claim 1; it merely suggest that the tendency to rollover will be reduced through the operation of its system and method. Further, Bauer does not address any sort of remote sensors for use in its stability control

system.

According to the Office Action, Suzuki includes a system for optically monitoring an environment. However, Suzuki does not address the problem of controlling a vehicle during a rollover event (as do the claims) and merely inputs sensor values into a controller for providing an accurate environment recognition. Therefore, the Applicants believe that the 103(a) rejection is traversed because the claims and the prior art differ. In other words, neither Bauer nor Suzuki, alone or in combination, teach a rollover control system, and therefore claim 1 is new and nonobvious. Claims 2-20 depend from claim 1 and are believed to be allowable for at least this reason.

Further, it would not have been obvious to combine the references as the Office Action proposes. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1672, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Even if all the elements of Applicant's invention are disclosed in various prior art references, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention.

Bauer is directed to a typical system for stabilizing a vehicle system. More importantly, Bauer does not disclose or suggest that the system thereof would be in any way beneficial to a rollover control system using vision signals for analyzing and responding to a rollover event. Rather Bauer, as is the case with typical stability control systems, does not suggest that any type of remote system, let alone a vision system, would apply to the included system. Instead, Bauer uses, for example, tire force vectors and tire angle for determining any stability measures to be taken. (Column 3, lines 20-50.) Further, Suzuki is directed to an environment recognition system. However, Suzuki does not suggest (nor does Bauer) that combining the vision system with the stability system and method of Bauer would be in any way beneficial for correcting for controlling a vehicle during a rollover event. Neither Bauer nor Suzuki teach or suggest such a combination.

Therefore, because no teaching or suggestion is found in any of the references for a vision system for use in rollover control, claims 1-20 are believed to be allowable. Claims 21-29 and 33-35 are method claims corresponding to apparatus claims 1-10 and 14-16. Therefore, claims 21-29 and 33-35 are believed to be allowable for at least the

same reasons set forth for claims 1-20.

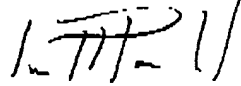
Claims 11-13 and 30-32 are rejected under as being unpatentable over Bauer and Suzuki as applied to the claims above, and further in view of Griessbach. Claims 11-13 depend from claim 1, and claims 30-32 depend from claim 21 and are believed to be allowable for at least this reason.

Claims 17-19 are rejected as being unpatentable over Bauer and Suzuki as applied to the claims above, and further in view of Ishikawa. Claims 17-19 depend from claim 1 and are believed to be allowable for at least this reason. Namely, not only do the references not teach a rollover control system, there also is no motivation to combine the references. Bauer is directed to stability control, and Suzuki is directed to an environment recognition system. In contrast, Ishikawa is directed to a vehicle warning system including multiple cameras. Even if there were a reason why one skilled in the art would combine Bauer and Suzuki, no motivation is provided in any of the references for combining the system of Ishikawa with the other two references. Ishikawa is not directed to any sort of stability control system and does not discuss rollover or possible applications of the system included therein for stability detection or control. Further, Suzuki teaches away from such a combination. Suzuki discusses in the Background section the limitations of prior art including comparing multiple optical flow vectors, and thus includes a single camera in motion in conjunction with other sensors as an improvement over multiple camera systems. (Column 2, Lines 20-51.) Therefore, a combination of Ishikawa with Suzuki would not be motivated or suggested by these references because of the teaching away of Suzuki. Further, as discussed regarding claim 1, Bauer does not teach or suggest use of remote sensors for the stability control described therein. Therefore, it is believed claims 17-20 are new and nonobvious because one skilled in the art would have no reason to combine the teachings thereof to arrive at the present invention.

Claim 20 is rejected as being unpatentable over Bauer and Suzuki, as applied to the claims above, and further in view of Nishikawa. As discussed, claim 20 depends from claim 1, and Applicants therefore respectfully request the Examiner to reconsider the rejection of Claim 20 as well.

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Respectfully submitted,



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